

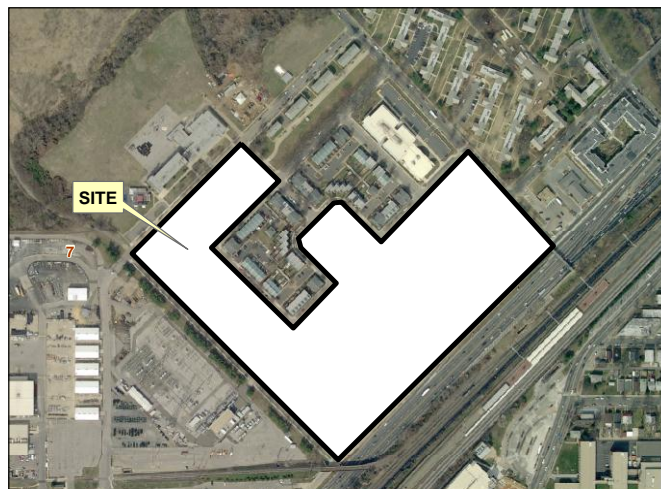


## MEMORANDUM

**TO:** District of Columbia Zoning Commission  
**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** July 2, 2010  
**SUBJECT:** PUD Extension Request – ZC Case 05-28D

Applicant:	Lano Parcel 12 LLC
Location:	Approximately 15.5 acres of land in North East with frontage on Kenilworth Avenue, Foote Street, Anacostia Avenue, Barnes Street, Grant Place, Parkside Place, Roosevelt Place, Burnham Place, Kenilworth Terrace and Hayes Street.
Ward / ANC	Ward 7, ANC 7D
Project Summary:	Mixed-use project on would include a variety of residential types, retail and office space. Case 05-28 provided First Stage approval for the project.
Order Effective Date:	April 13, 2007
Previous Extension:	None
Order Expiration Date:	October 3, 2011

### PHOTOS OF SITE:



2007



2010

### EVALUATION OF THE EXTENSION REQUEST

Section 2408.10 allows for the extension of a PUD for “good case” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Zoning Commission determines that the following requirements are met:

- (a) **The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The application includes a Certificate of Service dated June 4, 2010, indicating that it was served on the ANC and one citizen, the two parties to the original application.



- (b) There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the commission's justification for approving the original PUD.**

There have been no substantial changes in the material facts. As Case 05-28 provided first stage approval only, each phase of development requires separate Second Stage approval. To date, one first stage approval application (05-28A, dated 10-03-08) has been approved by the Zoning Commission. Two additional modifications to the first stage approval and second stage review applications (05-28B and 05-28C) have been submitted. OP anticipates that both will be submitted to the Commission for setdown during July 2010.

- (c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in § 2408.11.**

Section 2408.11 sets out the conditions of good cause as:

- (a) An inability to obtain sufficient project financing for the planned unit development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
- (b) An inability to secure all required governmental agency approvals for a planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order.

The application indicates that due to the current state of the real estate market and the existing economic conditions, the applicant has been unable to fully develop the entire site. The first stage does not expire until October 3, 2011, or three years after the approval of the first second phase approval. That date is more than one year away, during which time the economic and real estate situations may change as they pertain to this site. The applicant has not provided compelling justification for an early renewal at this time. As this extension is considered premature, the Office of Planning does not support the request for PUD extension at this time. Because this is an important project for the neighborhood and the District as a whole, the Office of Planning would advise the applicant to submit an extension request closer to the expiration date, should existing market conditions and need for PUD extension persist.

JS/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin, AICP